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ABSTRACT

This paper attempts to define the role of special education and special educators in current educational reform efforts and to provide direction to the National Association of State Directors of Special Education (NASDSE), by reviewing current reform initiatives in the context of the past, present, and future of educating children with disabilities. First, common elements in the educational reform movement are identified, with emphasis on development of a performance-based educational system. The history of special education policy and performance within the legal context is reviewed. The present environment is seen as fostering a stagnant service delivery system that limits opportunities to develop creative solutions to problems of policy and practice. A clear national, public demand for accountability and reform and a general dissatisfaction with public education is seen as pushing special education into a reactive posture. Special education is seen as doing no better or worse than the rest of education in producing measurable results. Principles which underlie the special educators' role in school reform are identified, stressing the promotion of collaborative intra- and inter-agency relationships, broad-based community support, collective responsibility for learning, and advocacy for students and families. The change from an input system to a performance-based system is felt to require that educators address the continued protection of students with disabilities and the provision of greater flexibility in special education in the areas of certification, administration, service delivery, and finance. Initiatives and strategies in the following areas are urged: prevention/early intervention, inclusive schooling, school-based/school-linked health and social services, technology, personnel preparation, identification of performance standards and assessment strategies, and decentralization. (Contains 14 references.) (DB)

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Leading and Managing for Performance:

An Examination of Challenges Confronting Special Education

November 1993

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National Association of State Directors of Special Education

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NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION

The National Association of State Directors of Special Education, Inc. (NASDSE) is a not-for-profit organization founded in 1938 for the purpose of promoting and supporting special education programs in the United States and outlying areas. NASDSE's membership includes the state directors of special education and other state education agency staff responsible for the education of infants, toddlers, children and youth with disabilities in each of the 50 states, the District of Columbia and the other federal territories and entities.

NASDSE Mission

NASDSE operates for the purpose of providing services to state agencies to facilitate their efforts to maximize educational outcomes for individuals with disabilities.

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FOREWORD

The future of our children and youth is the fundamental issue facing the country today. The way we respond to the needs of our children and their families is the strongest predictor of the future health and vitality of our society. Today, families must deal with issues that involve their children's health, education and general welfare. Systems to support children and their families are confronted with new challenges that rise from the need to provide a flexible array of supports sensitive to the diversity of our society.

Today parents, students, educators, and policy-makers are engaged in discussions and debate which will model the context and content of education for years to come. Twenty-five years of social and political policy have clearly affirmed the right of children with disabilities to be included in an education system designed to provide a free public education for *all* the children of *all* the people. As we reach decisions on global policies which shape education for the future, the needs of all children, including children who represent various forms of diversity, must be addressed. Ultimately, the community of people interested in education has the responsibility to ensure that policy for the future be sufficiently broad to recognize the variety of needs represented by children and families who will become the consumers of services from our school systems. To achieve such breadth of policy, we must be cognizant of, and responsive to, today's needs and the data which suggests needs of the future.

Within the context of issues surrounding policy for children and families in general and educational reform in particular, NASDSE offers this paper. Its content validates the substantial progress realized in the provision of services for children with disabilities, recognizes the limitations of current policy, and establishes a vision of the future, contributing to the substantial discussions on the direction of education reform.

— JOHN HESKETT, President
1992-93 Board of Directors
November 14, 1993

Leading and Managing for Performance:

An Examination of Challenges Confronting Special Education

The purpose of this paper is to begin to define the role of special education and special educators in these reform efforts, and to provide direction to NASDSE by reviewing current reform initiatives and looking at the past, present, and future of educating children with disabilities.

I. Purpose

All across this country initiatives have begun at state and local levels in an effort to reform education. It should be noted that there is no single reform effort; rather, a multiplicity of initiatives that have been undertaken. The emphasis for these initiatives varies from location to location. There are, however, many common elements to the reform activities under way across this country, including the establishment of performance standards, the development of authentic assessments, increased expectations for all learners, and the redesign of curriculum. Sometimes it is unclear how special education and special educators fit into these reform activities. The purpose of this paper is to begin to define the role of special education and special educators in these reform efforts, and to provide direction to NASDSE by reviewing current reform initiatives and looking at the past, present, and future of educating children with disabilities.

II. Education Reform Initiatives

The release of "A Nation at Risk" (National Commission on Excellence in Education, 1983) prompted a flurry of activities designed to improve student achievement. Unfortunately, the reform strategies attempted in the 1980s failed to produce significant improvement. In the 1990s, educators continue to receive pressure from parents, business leaders, politicians and, in some instances, the courts for renewed efforts to improve the educational system. As a result, state education agencies and local school systems have undertaken numerous activities to reform education. While there is no single "educational reform movement," these efforts have a number of elements in common, including:

- Emphasis on skills and knowledge necessary to compete in a global economy.
- Commitment to teach *all* students so that they achieve at significantly higher levels.
- Performance-based assessments in the form of criterion-referenced tests and established performance standards.
- Site-based decision-making or local control of the educational process.
- Increased parental involvement in the educational process.
- Consistent and increased involvement of the private sector in major aspects of educational decision-making.
- Accountability for learning assigned to professionals.

- Emphasis on prevention/early intervention programs for children and their families.
- The use of technology to enhance student learning and to manage information relative to student performance.
- Improved teacher preparation, resulting in a greater capacity for teachers and administrators to provide services to a more diverse student population.
- Recognition of the importance of the role of social, health and family support services in ensuring educational success.
- Recognition of the importance of a school environment that accommodates a diversity of cultural backgrounds and learning styles.
- Emphasis on post-graduation success.

The last two decades have witnessed a revolution in promoting, protecting, and advancing the educational rights of persons with disabilities.

All of these elements are essential if lasting and successful reform is to occur. The most significant, however, is the stakeholder adoption of performance-based standards. The clear identification of student and professional performance standards allows for responsible decentralization and flexibility. It may be said that the entire process and sequence of desired change is driven by the identification of performance standards.

A performance-based educational system will allow educators and families to view the special education process as a vehicle to make outcome-oriented decisions, thus de-emphasizing the *process* as the most important measure of success. This change in emphasis, from process to outcomes, will benefit both students and professionals.

III. History of Special Education

A. Social Policy and Students With Disabilities

To understand the current and future status of special education, it is necessary to review the history of social policy related to the provision of educational services to students with disabilities.

The last two decades have witnessed a revolution in promoting, protecting, and advancing the educational rights of persons with disabilities. The proliferation of social policy has resulted in educational opportunities for individuals who, 20 years ago, were denied access to the public schools. State and federal statutes, regulations and court decisions have influenced this revolution.

Of primary significance has been the passage of the Education for All Handicapped Children Act (EHA) in 1975 and its subsequent amendments. EHA provides funding to states while mandating a free appropriate public education (FAPE) and procedural safeguards for all children with disabilities. The amendments of 1990 changed the name of the act to the Individuals With Disabilities Education Act (IDEA), included new categories of disabilities, and required a plan for the transition of students to postsecondary activities, while preserving all of the rights and protections of the earlier law.

Legal compliance has frequently absorbed the resources and time of professionals, hampering substantive efforts to improve programs.

Congress also passed Section 504 of the Rehabilitation Act of 1973, which amended the Rehabilitation Act to establish, as a civil right, the entitlement to education for all students with disabilities.

In 1990, another major disability rights law, the Americans With Disabilities Act (ADA), was passed. The ADA extends the protections of Section 504 to the private sector for all individuals with disabilities. While the full impact of the ADA is not yet clear, it is expected to result in the full participation of persons with disabilities in a broader circle of economic, political and social aspects of American life.

In addition to federal action, states have enacted statutes and regulations to comply with these laws and to create additional protections and processes. It is against this backdrop of extensive policy — and its accompanying web of increasingly complex case law — that special education is entering into an era of reform and restructuring. Discussions of the future of special education must therefore occur within the context of a history of social and educational policy that has become inextricably woven into practice.

B. Performance and the Law

An analysis of the history of special education indicates that the primary purpose of the IDEA and Section 504 (to provide access to a free appropriate public education) has been accomplished with tremendous success. Questions are now being raised as to whether or not this emphasis has produced the desired outcomes. These questions should not be viewed as an indictment of the past; rather, as a challenge for future reform initiatives.

There is no question that the existing special education laws and regulations have opened the doors of public education to children and youth with disabilities. The number of children served by special education has tripled since 1975 (U. S. Department of Education, 1992).

Legal compliance, however, has frequently absorbed the resources and time of professionals, hampering substantive efforts to improve programs. Many monitoring systems have addressed little more than the minimal process requirements, and thus have had limited impact on educational quality.

The legal paradigm also creates an environment of caution and conflict. The procedural and substantive requirements of the IDEA and Section 504 of the Rehabilitation Act create a litigious climate. The number of special education judicial decisions has doubled since 1990, and is indicative of the time and resources being devoted to the resolution of legal disputes. Despite tremendous advances in the provision of special education, law and regulation have, at times, been more dominant than sound pedagogy in the development and implementation of policy for students with disabilities. Hampered by a lack of adequate financial resources and detracted by increasing legal challenges, too often the question asked by special educators is not, "What is it that can be done to appropriately serve the child and family?"; rather, the question has become "What do I *have* to do?"

In this current environment, special education cannot progress. Risks will not be taken in the interest of students and families, and aggressive attempts to use innovative practices will not flourish. The result will be a stagnant service delivery system that limits opportunities to develop creative solutions to existing problems of policy and practice.

Special education is holding on to existing models or being absorbed into larger structures in response to pressures for changes to the entire educational system.

IV. Special Education Today

A current snapshot of special education services across the nation is not easy to produce. At the school level, programs range from very traditional categorical configurations with resource rooms, self-contained classes, and separate schools, to those schools which use no separate special education settings at all. Some school districts have moved to decentralized models with authority for special education assigned to staff at the school building level, while other districts retain control at a central level of authority.

At the state level, most special education teacher preparation programs, administration and services remain separate from general education. Some states, however, are moving toward the administration of special education within the general education administrative scheme.

Staff at the state and local level are in a state of flux. School districts report having difficulty recruiting and retaining qualified personnel (Smith-Davis, Burke, & Noel, 1984; Sattler & Sattler, 1985; Lauritzen, 1990; Singer, 1993). State directors change continually (NASDSE, 1992). The rapidity with which service providers and administrators change contributes to precariousness in service delivery and leadership.

This rapid change and wide variety of styles and approaches is not necessarily reflective of a richness of diversity. It is likely the case that special education is holding on to existing models or being absorbed into larger structures in response to pressures for changes to the entire educational system.

There is a clear national, public demand for accountability and reform. A general dissatisfaction with public education and the resulting efforts to reform the educational system are pushing special education into a reactive posture that does not indicate a sense of purposeful planning.

V. A Time For Serious Reflection, Action and Collaboration

Since 1975, services for children with disabilities have expanded dramatically, largely due to educators' focus on the procedural safeguards mandated by the IDEA. Program improvement that is grounded in procedure, however, may not be applicable to demonstrating quality outcomes for students. Suffice it to say that special education has done no better or worse than the rest of education in terms of producing measurable results.

A. Quality of Education

One of the clearest indicators that special education has not emphasized the overall quality of performance of its students is the fact that fewer than

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13 states collect any data about post-school achievement (National Center on Educational Outcomes, 1991). Many states have a dropout rate for students with disabilities of over 60 percent (U.S. Department of Education, 1992). Students who remain in special education are increasingly isolated from their peers as they move through middle and secondary schools. This is particularly true in urban settings where the cost and intensity of service *increases* over time (*Allen v. Parks Implementation Team*, 1992; Rostetter, Norman & Gould, 1993; U.S. Department of Education, 1992).

The National Longitudinal Transition Study of Special Education Students (NLTS), funded by the U.S. Department of Education, reports that only 40 percent of youngsters with disabilities are employed after graduation from high school, and less than half of those individuals earn the minimum wage. Only 14 percent of individuals who are disabled go on to some form of postsecondary education. Additionally, adult developmental training programs have waiting lists. Even when attendance in an adult developmental training program is possible, these programs frequently do not result in meaningful transition to self-sufficiency in adulthood (NLTS, 1991).

It is very important to note that similar results are being attained by the general educational system. While students with disabilities are often hardest hit as members of a particularly vulnerable group, most of the indicators of performance for *all* students are simply not satisfactory by contemporary standards. Indicators of these problems are widespread as reflected by national test data, the consistent pattern of school equity suits won in over half the states, and emphasis on school reform at the national, state and local levels.

B. Services to Students with Disabilities in a Context of Change and Reform

Special education, as it is currently structured, is many things to many people. Tremendous variability in identification criteria, teacher preparation, placements of students, service availability, and funding is exhibited among states, school districts, and even schools within a district. The point is that the variation in the provision of special education to students is apparently not a difference attributable to the unique needs of children as much as it is a function of the current service delivery system.

Those who are served by special education and those who provide special education services differ dramatically from state to state. Some states identify and serve *twice* the percentage of students with disabilities as other states (U.S. Department of Education, 1992). Incidence rates for specific categories differ radically from state to state and school district to school district. The reported differences in prevalence of disability across states is so extreme that it is not possible to attribute these differences to student needs or characteristics.

State certification requirements also vary from state to state. Some states require strict categorical certification. Other states require dual certification in special and regular education, while others require

certification based on developmental levels of students.

Within the past 10 years, the standards for measuring the effectiveness of special education have evolved from access and process to seeking a higher level of accountability focusing on student outcomes. This change in emphasis is the result of the growing dissatisfaction of parents, educators, and policy-makers with the former system of accountability.

Such an evolution of standards is healthy. It recognizes the successes of the past and establishes an agenda for the future. Special education needs to be reconceptualized and defined in a manner that results in more precise accommodations in educational programs for children and youth with disabilities. The underlying assumption in IDEA is that special education should depart from regular education only to the degree necessary to meet students' needs. There are several important characteristics that should be considered in redefining special education.

Specifically, NASDSE's definition of special education is a system of options provided to a student with disabilities to assist the student in meeting performance standards based on high expectations. To the extent appropriate for each student, special education should:

- Provide modifications and alternatives within the regular education environment to the degree necessary to ensure successful student outcomes.
- Provide modifications and adaptations in the regular education curriculum to the degree necessary to ensure successful student outcomes.
- Provide instruction in alternative methods (for example, communication or mobility) necessary for full participation in society.
- Provide instructional strategies and assessments to accommodate identified needs.
- Make available the technology necessary to assist students in attaining their educational goals;
- Be an integral part of the overall educational accountability system.
- Provide other support services to students and families in conjunction with other agencies that are required for participation in the least restrictive environment.
- Interface with services provided to students and their families by other agencies.

NASDSE's definition of special education is a system of options provided to a student with disabilities to assist the student in meeting performance standards based on high expectations.

While this definition is not intended to be exhaustive, it does impart greater precision of meaning to the term "special education." None of the elements of this definition require changes in law or regulations. These elements do require, however, a change in behavior and practice. These changes include:

- Accepting the regular education environment and curriculum and

instructional strategies as the point of departure in the decision-making process.

- Making modifications to the general education program with precision to ensure successful student outcomes.
- Thinking of special education as a service rather than a place.
- Being part of a unified system of service delivery for educational performance.
- Actively engaging families as full partners in the educational process.
- Actively looking for collaborative opportunities to support instruction in settings students would attend if not disabled.
- Working collaboratively with other agencies in the delivery of services to students and their families.
- Utilizing resources in the most flexible manner possible to support the total instructional efforts of the schools.

Special education must become part of the national reform agenda. If not, the results of reform could be to further isolate students with disabilities, professionals, families and personnel preparation programs from the mainstream of educational change.

These changes are necessary to improve the performance of all students, including students with disabilities. These changes must be addressed through a total restructuring of special education as part of the larger education reform movement. Special educators must be aggressively involved in the reform efforts.

VI. School Reform and Special Education

Reform is now a reality. Proposals and initiatives are being undertaken at the federal, state and local levels. This argues for the active participation of the NASDSE membership and its staff in the ongoing school reform movement. President Clinton's reform bill, Goals 2000: Educate America Act, promises sweeping changes in American education. Many states have also embarked on a variety of restructuring efforts. Some states have introduced bold new initiatives by redesigning procedures and redefining educational outcomes. Virtually every state has investigated and adopted some component of the reform agenda.

Changes resulting from the reform movement have broad implications for the provision of educational services to children and youth with disabilities. Special education must become part of the national reform agenda to ensure improved opportunities for students with disabilities. If special educators do not participate, the results of educational reform could be to further isolate students with disabilities, professionals, families and personnel preparation programs from the mainstream of educational change.

Special educators' role in school reform should be based on several important principles:

- The underlying premise of any initiative to reform schools is that change is necessary for all students, including those with disabilities. Change must focus on strategy, curriculum, assessment instruments, facilities, technology, school-to-work transitions, and length of school year/day, while maintaining high expectations for all students.

- Students with disabilities have a rightful place beside their non-disabled peers.
- Any groups established to promote and implement reform must include those individuals who can ensure that the needs and unique challenges confronted by students with disabilities are considered and included.
- Students with disabilities remain a vulnerable population in need of essential procedural safeguards to ensure that their entitlement to a high standard of educational performance is protected during the educational decision-making process.

■ *New and more effective methods need to be developed which yield* effective *and* rapid *resolution of issues for the future.*

Special educators must promote collaborative intra- and inter-agency relationships, broad-based community support, collective responsibility for learning, advocacy for students and families, comprehensively prepared personnel, and a decentralized system of service where decisions are made jointly by professionals, parents, and, when appropriate, students.

VII. Changing From an Input System to a Performance-Based System

The transition from a system that focuses on the process of educating students to one that focuses on performance and results is complicated and time-intensive. Special education can contribute much to the development and implementation of a new system. Special education has long accepted the important role of families in the education process. Special education has led the field in developing working relationships with health and social services providers as well as with business and industry. Special education has implemented individualized instruction and case management for almost 20 years.

In addition to contributing expertise to the reform movement, special educators must assist in addressing two very important challenges:

- The continued protection of students with disabilities through the process of data-based decision-making, and by the application of basic procedural safeguards to that decision-making process.
- Providing greater flexibility in special education in areas of certification, administration, service delivery, and finance.

The first of these challenges involves protecting a vulnerable minority while emphasizing performance-based standards. During the transition to a performance-based system, the mechanisms used to ensure these procedural protections must remain in place. At the same time, new and more effective methods need to be developed which yield *effective* and *rapid* resolution of issues for the future. The cumbersome and inefficient procedures used for monitoring paper compliance, for example, simply will not work as reform is implemented.

While the procedural tests for the provision of appropriate public

education need to be reviewed, the substantive test for FAPE should become more operational. A review of existing federal and state policies regarding FAPE shows that there is a recognition of a *procedural* standard, as well as a *substantive* standard. The guarantee of FAPE must be ensured through the continued adherence to procedural safeguards and a required educational decision-making process. FAPE is defined in IDEA regulation as special education and related services which:

NASDSE must provide leadership, in collaboration with all other significant educational and human services organizations, in the implementation of responsible reform.

(a) Are provided at public expense, under public supervision and direction, and without charge.
(b) Meet the standards of the State educational agency including the requirements of Part B.
(c) Include preschool, elementary school, or secondary school education in the state involved.
(d) Are provided in conformity with an Individualized Education Program which meets the requirements under 300.340 - 350 (34 C.F.R. 300.8).

These standards were clarified by the Supreme Court in *Hendrick Hudson School District Board of Education v. Rowley* (1982). In that decision, the Supreme Court defined "appropriate" as the provision of a set of services developed, implemented, and evaluated consistent with the IEP process which ensure that the student will receive some educational benefit.

These basic standards of law create the framework for full participation of students with disabilities in any current or new system of education. It is essential that these standards for FAPE remain as guiding principles in making decisions about a new system of education.

Special education must define its role in a performance-based enterprise. Standards for training teachers in a new role of instruction and student support are necessary. A much-reduced role of categorical programming is also required to implement an integrated system of reform. Special education must become a system of services which provides the expertise required to support instruction designed to meet specific student outcomes. The process of assessment must change dramatically from one of sorting students to one that supports and improves the instructional process.

NASDSE must provide leadership, in collaboration with all other significant educational and human services organizations, in the implementation of responsible reform. At a minimum, actions should consider the implementation and support of strategies and initiatives essential to school reform. These major initiatives and strategies are:

- Prevention/Early Intervention: Initiatives that address the needs of very young children and their families, with emphasis on natural environments, family focus, and multicultural services, must be a part of reform efforts. Inclusive early learning programs, quality

child care, family support services and child health services are needed to assure that *all* children start school ready to learn.

- Inclusive Schooling: Inclusive schooling that accommodates varying abilities and cultural backgrounds of *all* learners.
- School-Based/School-Linked Health and Social Services: The recognition that many students and their families need better access to coordinated educational, social, and health care services has led to initiatives to wrap services around students and their families in their communities and their schools. Schools as places where comprehensive services can be provided or accessed are a clear indicator of the realization that communities must actively work together to ensure educational outcomes.
- Technology: Assistive technology devices may make it possible for thousands of students with disabilities to perform at significantly higher levels. Technology is also available to support instruction by increasing time on task and allowing better planning and teaching.
- New Approaches to Personnel Preparation: Many states are reviewing teacher and leadership training programs to create better-equipped professionals to perform in reformed school settings. Reduction or elimination of unnecessarily restrictive categorical programs is being considered at the national and state levels.
- Identification of Performance Standards and Assessment Strategies: National and state initiatives for developing performance-based models are underway in many states. These initiatives set the stage for significant changes in the administration and delivery of services.
- Decentralization: The efforts to increase local autonomy and accountability for decisions are directly affecting the role of special education. In these restructuring schemes, special education is a resource to support instruction rather than functioning as its own service delivery system.
- New Policies and Practices: The rituals of education are being continuously questioned. The literature is replete with articles questioning special education's place in education. There is a growing recognition that time on task and time in instruction must become variables which are changeable. Extended-year and extended-day services for all students are clearly on the table for discussion. The end of the "traditional" school year may be in sight.

■ *NASDSE can provide leadership in identifying interim goals for students with disabilities based on current data for immediate attention as reform is put in place.*

VIII. Interim Goals

One strategy for moving the reform agenda forward and demonstrating results is to attack existing problems directly. NASDSE can provide leadership in identifying interim goals for students with disabilities based on current data for immediate attention as reform is put in place. This provides an opportunity to demonstrate results and promote movement toward a performance-based system. Interim goals for these students include:

- Reduction in dropout rates.
- Significant increase in the number of students receiving a regular high school diploma.
- Significant gain in the number of students successfully participating in postsecondary opportunities.
- Significant increase in the number of students successfully participating in criterion-referenced testing programs.
- Significant increase in the number of students in instructional settings with students who do not have disabilities.

NASDSE is a pivotal player in this whirlwind of change. The time has come for NASDSE to assume a leadership role in the invention of a better future for all students.

IX. Conclusion

Major changes in how education conducts its business are under consideration. Special education and special educators have prompted much of that discussion. NASDSE must use creativity to propose solutions to current problems and to foster change.

The strategies and initiatives discussed in this paper characterize a system undergoing dramatic change. Such change can create a volatile and defensive environment. Therefore, it is essential that NASDSE provide thoughtful leadership and seek ways to bring about unity among its colleagues. Such a posture will influence the basic decisions affecting all children NASDSE is a pivotal player in this whirlwind of change. John Sculley (1987) indicated that the best way to predict the future is to invent it. The time has come for NASDSE to assume a leadership role in the invention of a better future for all students. NASDSE membership and staff must continue pushing the system forward by acting as catalysts for realistic, effective change.

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